

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By **VICE CHAIRMAN TOM FACEY**, on January 24, 2005
at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Arlene Becker, Chairman (D)
Rep. Tom Facey, Vice Chairman (D)
Rep. Don Roberts, Vice Chairman (R)
Rep. Mary Caferro (D)
Rep. Emelie Eaton (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. William J. Jones (R)
Rep. Dave McAlpin (D)
Rep. Tom McGillvray (R)
Rep. Mike Milburn (R)
Rep. Art Noonan (D)
Rep. Ron Stoker (R)
Rep. Pat Wagman (R)
Rep. Bill Warden (R)
Rep. Jonathan Windy Boy (D)

Members Excused: None.

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 60, 1/18/2005; HB 340, 1/18/2005
Executive Action: HB 80, Do Pass; HB 127, Do Pass;
HB 216, Do Pass As Amended;
HB 255, Do Pass As Amended

HEARING ON HB 340**REP. BRADY WISEMAN, HD 65, BOZEMAN****Opening Statement by Sponsor:**

REP. BRADY WISEMAN opened the hearing on **HB 340**. The bill requests funds for television and radio advertising to counter meth abuse. This would be done through the Department of Justice. He offered an amendment that would appropriate \$250,000 for the funding of the program. He expanded on the reasoning for the request and why methamphetamine is such a serious problem in Montana.

EXHIBIT(huh18a01)***{Tape: 1; Side: A; Approx. Time Counter: 0 - 6.8}*****Proponents' Testimony:**

Mike Batista, Administrator, Division of Criminal Investigation, Department of Justice (DOJ), stated that DOJ supports the bill. A year ago, DOJ received \$2 million to prepare a number of projects to alert people to the meth problem. He felt they have had success in these efforts. One problem was in sustaining an educational program. It takes more money than they had. The federal money is gone and he urged the passage of this bill.

{Tape: 1; Side: A; Approx. Time Counter: 6.8 - 10.2}

Bill Slaughter, Director, Department of Corrections (DOC), agreed that it is all about educating the public. A good job has been done so far, but more is needed. This is not just a law enforcement problem, but rather a community problem. It has to be kept in front of the people.

{Tape: 1; Side: A; Approx. Time Counter: 10.2 - 12.3}

Aidan Myhre, Consumer Health Care Products Association (CHPA), informed the committee that CHPA created the program called "Meth Watch." It was designed to work collaboratively with both state and federal agencies to educate the public about meth use, the products that are used to create meth, and how to curtail meth use in communities. They were in support of the bill.

{Tape: 1; Side: A; Approx. Time Counter: 12.3 - 13.5}

Brian McCullough, Landlord, Helena, agreed that meth is a very serious problem not only for everyone, but especially for landlords. He stood in support of the bill.

Jim Kembel, Montana Association of Chiefs of Police, hoped that education would help cut back on the use of meth.

Chris Christiaens, Montana Landlord Association (MLA), stood in support of the bill. Education is one way for people to understand what this drug truly does. MLA firmly believes that the State must set a policy if they hope to get a handle on methamphetamine. It is devastating to families and treatment for meth takes at least one year or longer. He urged a do pass.

{Tape: 1; Side: A; Approx. Time Counter: 13.5 - 17.1}

Joan Miles, Director, Public Health Department, Lewis & Clark County stood in support of the bill and expressed her belief that there has been tremendous success in advertising. She urged the committee's support.

Jim Smith, Montana Sheriffs' and Peace Officers' Association and Montana County Attorneys' Association, stated that both these groups have been enmeshed in the problem of meth and urged the passage of this bill.

Pam Bucy, Assistant Attorney General, Department of Justice (DOJ), said that on behalf of the attorney general, she stood in support of the bill.

{Tape: 1; Side: A; Approx. Time Counter: 17.1 - 20.3}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. JONATHAN WINDY BOY asked where the money was coming from and if there was a fiscal note. **REP. WISEMAN** reminded the committee that there was an amendment which would ask for \$250,000.

REP. RON STOKER referenced HB 289 that was heard at the last committee hearing and wondered if money could be appropriated from I-149. **REP. WISEMAN** said that would be fine with him.

REP. STOKER inquired about another possible source of funding that might come from laundered money from meth busts. **REP. WISEMAN** replied that his understanding was that there was not a great deal of money available from meth busts. **Ms. Bucy** concurred that the meth crowd is not a rich crowd; and currently, money that is confiscated is spent on equipment to fight the war on meth.

{Tape: 1; Side: A; Approx. Time Counter: 20.3 - 26.3}

REP. TOM MCGILLVRAY followed on with a question of where the laundered money goes and how the \$2 million had been spent that

had been given to DOJ. He didn't see the necessity of going to the taxpayers for this \$250,000. **Mr. Batista** responded that any monies derived in the State are taken by the Federal Government. Most of the drug task forces in Montana are funded by federal dollars and these monies are used for personnel, not equipment. The funds have diminished because many of the meth dealers spend the money as fast as they make it. Concerning the \$2 million, it had been used for public education.

{Tape: 1; Side: A; Approx. Time Counter: 26.3 - 29.5}

REP. BILL WARDEN asked Ms. Miles to elaborate on evidence-based solutions. **Ms. Miles** informed the committee that her experience was limited to the anti-smoking ordinance in Helena. People did feel that secondhand smoke was not good and the state was running an aggressive campaign against secondhand smoke. Because of that massive advertising campaign, the support for the ordinance was overwhelmingly in favor. She did not have any facts concerning advertising that had stopped young people from smoking.

{Tape: 1; Side: A; Approx. Time Counter: 29.5 - 32}

REP. MIKE MILBURN questioned the sponsor about the advisability of having this education program be part of the drug commissioner's responsibilities. **REP. WISEMAN** felt that might be the right way to go. His understanding was that the drug commissioner would focus on treatment.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 1.8}

Closing by Sponsor:

The sponsor closed.

{Tape: 1; Side: B; Approx. Time Counter: 1.8 - 4}

HEARING ON HB 60

Sponsor: REP. CHRISTOPHER HARRIS, HD 66, BOZEMAN

Opening Statement by Sponsor:

REP. CHRISTOPHER HARRIS opened the hearing on **HB 60**. The bill would establish indoor cleanup standards for methamphetamine labs. The bill deals with the innocent property owner whose property has been used as a meth lab with subsequent contamination of the property. The Environmental Quality Council has held extensive meetings concerning this problem. If a property owner seeks help from the state, they may get sympathy but very little guidance or actual assistance. The government

has the power to condemn or quarantine a contaminated house or apartment, but there is no standard for decontamination in Montana. This bill would establish a very straight forward decontamination standard. There are at least eight states who have addressed this problem. They are Alaska, Arizona, Arkansas, Colorado, Minnesota, Tennessee, Washington, and Oregon. Other states are in the process of addressing this problem. The standards in HB 60 are identical to those in Alaska, Arizona, Tennessee and Washington. If one is a decontamination contractor, registered and licensed in other states, this bill would recognize that certification.

{Tape: 1; Side: B; Approx. Time Counter: 4 - 9.5}

Proponents' Testimony:

Dr. Todd Damrow, State Epidemiologist, DPHHS, stated that his agency is very pleased to have this bill brought forward. Public health officials frequently receive phone calls from distressed individuals who are concerned about health safety from indoor contamination resulting from methamphetamine. With no standards to go by, they cannot assure the caller that the removal of equipment and bulk materials by hazardous material workers (Haz-Mat) has resulted in their home being safe to reoccupy.

{Tape: 1; Side: B; Approx. Time Counter: 9.5 - 12.8}

Linda Stoll, Montana Local Health Officers Group, offered specific testimony from Gallatin County and Missoula County. Ellen Leahy from Missoula made two suggestions. One would be to have this program administered by the Department of Environmental Quality, rather than DPHHS. The other suggestion would be to have the standards in the administrative rules rather than in the statute itself. If it were in the administrative rules, that would allow for a more timely change as detection and clean up methodologies improve.

EXHIBIT(huh18a02)

EXHIBIT(huh18a03)

{Tape: 1; Side: B; Approx. Time Counter: 12.8 - 16.1}

Joan Miles, Director, Public Health Department, Lewis & Clark County, was very pleased that this bill had come forward. They receive calls and do not know what to tell people. Standards of decontamination are vital. The victims of this are homeowners and landlords. They need some protection. She handed in her testimony and an article on former meth houses.

EXHIBIT(huh18a04)

EXHIBIT(huh18a05)

{Tape: 1; Side: B; Approx. Time Counter: 16.1 - 22.9}

Mike Batista, Administrator, Division of Criminal Investigation, Department of Justice (DOJ), supported the bill. They have been involved for the past twelve years investigating meth labs in the state. They have learned much about the toxicity of the chemicals being used. They have dismantled meth labs and hired contractors to remove the chemicals. They then send a letter to the County Clerk and Recorder to let the property owner know that there was a meth lab on their property; but, they did not have any advise to give them. HB 60 is a good place to start. The state needs guidelines on how to clean up and guidelines to show when a property has been thoroughly decontaminated. These guidelines have not been forthcoming from the federal level.

{Tape: 1; Side: B; Approx. Time Counter: 22.9 - 26.5}

Pam Bucy, Assistant Attorney General, Department of Justice (DOJ), agreed with the Health Department from Missoula in that meth labs are a moving target. She felt the standards should be put in the administrative rules where they could more quickly respond to changes in technology and information received. She addressed the issue of property owners being notified about a meth lab on their property. By notifying the Clerk and Recorder, this information becomes a lien on the person's property. At this point, though, there is no way that this lien can be removed. This is a serious public safety issue. She urged a do pass.

{Tape: 1; Side: B; Approx. Time Counter: 26.5 - 30}

Jim Kembel, Montana Association of Chiefs of Police, stood in strong support of the bill.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 0.8}

Jim Smith, Montana Sheriffs' and Peace Officers' Association and Montana County Attorneys' Association, stated that his associations were in strong support of HB 60. He had two pamphlets for the committee.

[EXHIBIT\(huh18a06\)](#)

[EXHIBIT\(huh18a07\)](#)

{Tape: 2; Side: A; Approx. Time Counter: 0.8 - 2.9}

Chris Christiaens, Montana Landlord Association (MLA), informed the committee that Montana landlords have over 10,000 rental units across the state. HB 60 is good but he gave the committee some amendments to make the bill better. Landlords need the standards and guidelines for clean up. Property and casualty insurance will not come in and assist with the clean up of a meth lab unless there has been an explosion or fire. He encouraged the committee to have the Department of Environmental Quality be in charge, rather than DPHHS. Law enforcement needs to do a better job of informing the landlord of the types of chemicals,

etc. that have been taken from their property. The issue of liens is problematic. Landlords do not know how to get that lien lifted. Mr. Christiaens felt that a fiscal note should be with the bill. Money is needed for training and for people to oversee that requirements are being met.

EXHIBIT(huh18a08)

{Tape: 2; Side: A; Approx. Time Counter: 2.9 - 11.8}

Brian McCullough, Landlord, Helena, gave his testimony and suggested some changes to the bill. He was somewhat supportive of the bill.

EXHIBIT(huh18a09)

{Tape: 2; Side: A; Approx. Time Counter: 11.8 - 21.2}

Opponents' Testimony:

Glenn Oppel, Montana Association of Realtors, handed in his testimony. He was a reluctant opponent. Something needs to be done about the meth labs and how it affects home owners and landlords. He did not feel the bill adequately dealt with this issue.

EXHIBIT(huh18a10)

{Tape: 2; Side: A; Approx. Time Counter: 21.2 - 25}

Informational Testimony:

Ed Thamke, Montana Department of Environmental Quality (DEQ), stated that his Department is remaining neutral on this bill; but after hearing some of the potential amendments and some of the issues that were brought up, he wanted to inform the committee about DEQ's role in this issue. They support REP. HARRIS' efforts. There is a reason for the debate surrounding health issues. DPHHS is the more natural choice because of the indoor qualities associated with these meth labs. Most states administer their methamphetamine programs through their health agencies. DEQ does have a role and has participated in the process. They receive complaints and notifications of meth lab busts. When notified of a bust, they work with the appropriate entities and the property owner to see if the outdoor environment has been impacted. DEQ has no statutory authority for indoor air quality or inside a person's residence.

{Tape: 2; Side: A; Approx. Time Counter: 25 - 27.7}

Questions from Committee Members and Responses:

REP. JONATHAN WINDY BOY inquired of the sponsor if he would be open to an amendment that would include outside contamination.

REP. HARRIS thought it might be possible, but it might also make the bill too complicated.

{Tape: 2; Side: A; Approx. Time Counter: 27.7 - 32}

REP. DON ROBERTS asked if low-income rental property would decline if people were afraid to take the risk of buying property and then having that property used as a meth lab. **REP. HARRIS** heard in 2001 from landlords about property they had, but was now unrentable and unsaleable. It was a real dilemma for them.

REP. ROBERTS wanted to know if the State of Washington was pleased with the results of their meth laws. **REP. HARRIS** said they were very confident that the standards they were using were working well.

REP. TOM MCGILLVRAY inquired if homes or apartments were cleaned up according to HB 60 standards, would they be removed from the uninhabitable list according to Section 6, Line 14. **REP. HARRIS** responded that HB 60 was designed to be self-implementing with as little expenditure as possible.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 4.8}

REP. GORDON HENDRICK asked if there would be any protection for a property owner's surrounding land in HB 60. **REP. HARRIS** explained that under his bill, property owners could get their property cleaned up, at their own expense, and have their property removed from the uninhabitable list. But, if the property in question is contaminated outside, HB 60 does not address that issue.

{Tape: 2; Side: B; Approx. Time Counter: 4.8 - 7.2}

REP. RON STOKER questioned the possibility of a contractor setting his own standards for clean up. **REP. HARRIS** reiterated that the language in the bill states: "The inhabitable property has been remediated to the standards established in Section 3." The contractor does not have the ability to vary from those standards.

{Tape: 2; Side: B; Approx. Time Counter: 7.2 - 9.4}

REP. TOM FACEY asked if other harmful chemicals were addressed in HB 60. **REP. HARRIS** had learned that meth residue, if cleaned up to the HB 60 standards, was an excellent surrogate for other chemicals.

REP. FACEY followed up with a question about language on Page 3, Line 3. **REP. HARRIS** explained the language to **REP. FACEY'S** satisfaction.

{Tape: 2; Side: B; Approx. Time Counter: 9.4 - 13.1}

Closing by Sponsor:

REP. HARRIS addressed some of the points that were raised. He had no problems with changing the standards if there were better standards put forward. Funding, as currently written, is for rule making and training. HB 60 does not address putting a lien on a property. Montana companies can get certified either by taking the course in Oregon, etc. or if DPHHS offered a training course. He urged passage of the bill now so Montana would have something to go by.

{Tape: 2; Side: B; Approx. Time Counter: 11.9 - 17.2}

EXECUTIVE ACTION ON HB 216

Motion: REP. ROBERTS moved that HB 216 DO PASS.

Motion: REP. CAFERRO moved that HB 216 BE AMENDED.

EXHIBIT (huh18a11)

Discussion:

Susan Fox, Legislative Staffer, explained the amendments.

Vote: Motion carried 16-0 by voice vote.

Motion/Vote: REP. CAFERRO moved that HB 216 DO PASS AS AMENDED.

Motion carried unanimously, 16-0 by voice vote.

{Tape: 2; Side: B; Approx. Time Counter: 17.2 - 22.6}

EXECUTIVE ACTION ON HB 80

Motion/Vote: REP. ROBERTS moved that HB 80 DO PASS. Motion carried unanimously, 16-0 by voice vote.

Motion/Vote: REP. FACEY moved that HB 80 be put on the Consent Calendar. Motion failed 10-6 with REPS. HENDRICK, JONES, MCGILLVRAY, ROBERTS, STOKER, and WAGMAN voting no by voice vote.

{Tape: 2; Side: B; Approx. Time Counter: 22.6 - 26}

EXECUTIVE ACTION ON HB 255

Motion: REP. ROBERTS moved that HB 255 DO PASS.

Motion: REP. ROBERTS moved that HB 255 BE AMENDED.

EXHIBIT(huh18a12)

Discussion:

Susan Fox, Legislative Staffer, explained the amendments.

REP. MCALPIN asked if co-occurrence was a medical term. **Ms. Fox** explained that it would only be used as a verb.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 0.3 Tape was turned in the middle of Ms. Fox's answer.}

Vote: Motion carried unanimously, 16-0 by voice vote.

Motion: REP. ROBERTS moved that HB 255 DO PASS AS AMENDED.

Discussion:

REP. MCGILLVRAY was concerned that alcoholism would become a mental disorder.

REP. ROBERTS stated that the primary mental disorder would be the diagnosis; but quite often a person will have a drug or alcohol addiction that needs to be treated as well. They would not be committed because of the addiction, but because of the mental disorder.

REP. ART NOONAN asked if this bill would remove the judge from making any determination without a diagnosis from a health provider.

REP. ROBERTS explained that the judge would use the diagnosis of the primary mental disorder.

REP. BILL WARDEN commented that from the testimony from Mr. Ed Amberg, it seemed to not be unusual for clinicians to find that substance abuse is often the primary factor in the admission, and he was concerned that more patients would be admitted to his hospital.

REP. ROBERTS reiterated that quite often a person with a mental disorder gets involved with drugs or alcohol. The overriding reason for them to be admitted might be the drugs. But, both conditions need to be treated.

Vote: Motion carried unanimously, 16-0 by roll call vote.
{Tape: 3; Side: A; Approx. Time Counter: 0.3 - 7.7}

EXECUTIVE ACTION ON HB 127

Motion/Vote: REP. ROBERTS moved that HB 127 DO PASS. Motion carried unanimously, 16-0 by voice vote.

Motion/Vote: REP. FACEY moved th at HB 127 be put on the Consent Calendar. Motion failed 10-6 with REPS. HENDRICK, JONES, MCGILLVRAY, ROBERTS, STOKER, and WAGMAN voting no by voice vote.
{Tape: 3; Side: A; Approx. Time Counter: 7.7 - 11.7}

ADJOURNMENT

Adjournment: 5:30 P.M.

REP. ARLENE BECKER, Chairman

MARY GAY WELLS, Secretary

AB/mw

Additional Exhibits:

EXHIBIT ([huh18aad0.PDF](#))